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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,319	01/16/2004	David Kornick	74-HA-133457/10081-010	8341
29391	7590	05/04/2005	EXAMINER	
BEUSSE BROWNLEE WOLTER MORA & MAIRE, P. A. 390 NORTH ORANGE AVENUE SUITE 2500 ORLANDO, FL 32801			TRAN, DALENA	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/759,319	Applicant(s) KORNICK ET AL.	
	Examiner Dalena Tran	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/16/04, 12/27/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-12 are pending.
2. The prior art submitted on 1/16/04 and 12/27/04 have been considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, and 4-12, are rejected under 35 U.S.C.102(b) as being anticipated by Dobler (4,023,753).

As per claim 1, Dobler discloses a communications device for controlling operation of an unmanned locomotive over a track layout in a train yard, said locomotive operable over a plurality of alternative track routes to reach a respective destination from a plurality of possible destinations in said track layout, said track layout including a plurality of switches configured to alter a route for a locomotive running along said track layout, said communications device comprising: a first user display for use in commanding a desired destination for the locomotive within said track layout by setting the state of the switches along the route to the destination (see at least the abstract; columns 3-4, lines 43-23; columns 6-7, lines 55-15; and column 7, lines 30-51), and a second user display for use in controlling movement of the locomotive along said track layout (see at least columns 31-32, lines 45-39; and column 33, lines 5-45).

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As per claim 2, Dobler discloses the displays are made on a single display device having first and second modes of operation (see at least columns 1-2, lines 37-37; and columns 7-8, lines 53-49).

As per claim 4, Dobler discloses the second display is made on a graphic user interface enabling data input from the operator (see at least columns 7-8, lines 53-49).

As per claim 5, Dobler discloses a communications device for controlling operation of an unmanned locomotive over a track layout in a train yard, said locomotive operable over a plurality of alternative track routes to reach a respective destination from a plurality of possible destinations in said track layout, said track layout including a plurality of switches configured to alter a route for a locomotive running along said track layout, said communications device comprising: a user display enabling an operator to command a desired destination for the locomotive within said track layout by setting the state of the switches along the route to the destination without intervention from other personnel (see at least columns 3-4, lines 43-23; columns 6-7, lines 55-15; and column 7, lines 30-51).

As per claim 6, Dobler discloses a communications device for controlling operation of an unmanned locomotive over a track layout in a train yard, locomotive operable over a plurality of alternative track routes to reach a respective destination from a plurality of possible destinations in said track layout, said track layout including a plurality of switches configured to alter a route for a locomotive running along said track layout, said communications device comprising: a graphical user interface for commanding a desired destination for said locomotive within said track layout, said

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graphical user interface configured to display a representation of said track layout, and wherein said representation allows an operator to monitor operational conditions of the switches that may develop along the route of the locomotive (see at least columns 7-8, lines 53-49; and columns 8-9, lines 59-29).

As per claim 7, Dobler discloses a communications device for controlling operation of an unmanned locomotive over a track layout in a train yard, said locomotive operable over a plurality of alternative track routes to reach a respective destination from a plurality of possible destinations in said track layout, said track layout including a plurality of switches configured to alter a path for a locomotive running along said track layout, said communications device comprising: a user display for commanding a desired destination for the locomotive within said track layout, said user display responsive to a verification message indicative of whether a switching combination for the locomotive route for reaching the desired destination has been executed (see at least columns 18-19, lines 26-44; and columns 20-21, lines 33-2).

As per claim 8, Dobler discloses a system for routing a locomotive through a track layout comprising a plurality of rail tracks connectable to one another in response to a respective switching combination applied to a plurality of remotely controlled switches for interconnecting one track to another track, said system comprising: a communications device for commanding a desired destination for locomotive within said track layout (see at least columns 8-9, lines 59-29), a yard control system responsive to the commanded desired destination, said yard control system coupled to a database comprising data indicative of at least one route for reaching the desired destination (see at least the abstract), yard control system configured to generate a switching combination applied to

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respective ones of the plurality of remotely controlled switches to implement at least one route (see at least columns 7-8, lines 53-49), yard control system configured to communicate to communications device confirmation information regarding said at least one path and said alternative path, if any, for reaching the desired destination (see at least columns 4-5, lines 61-51).

As per claims 9-10, Dobler discloses the commanded desired destination from the communications device is transmitted to the train yard control system via communications equipment onboard the locomotive, wherein the confirmation from yard control system is transmitted to the communications device via communications equipment onboard the locomotive (see at least columns 9-10, lines 30-32).

As per claim 11, Dobler discloses database further comprises data indicative of at least one alternative path for reaching the desired destination in the event at least one path for reaching the desired combination is unavailable (see at least columns 4-5, lines 61-22)

As per claim 12, Dobler discloses yard control system is configured to communicate to said communications device confirmation information regarding said alternative path, if any, for reaching the desired destination (see at least columns 4-5, lines 61-51).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claim 3, is rejected under 35 U.S.C.103(a) as being unpatentable over Dobler (4,023,753) in view of Coombes (6,314,345).

As per claim 3, Dobler does not disclose the display devices, are made on two display devices, one for each display. However, Coombes disclose the display devices, are made on two display devices, one for each display (see at least columns 3-4, lines 25-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Dobler by combining the display devices, are made on two display devices, one for each display to clearly viewing by the operator.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- . Morse et al. (4,122,523)
- . Murata et al. (5,487,516)
- . Severson et al. (5,896,017)

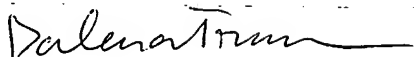
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-F 6:30 AM-4:00 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner
Dalena Tran

A handwritten signature in cursive script, appearing to read "Dalena Tran", followed by a horizontal line.

April 28, 2005